

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

GLOBEFILL INCORPORATED, a  
Canadian corporation,

Plaintiff,

v.

COASTAL COCKTAILS, INC., a  
California corporation, doing business  
as MODERN GOURMET FOODS, and  
MARK GREENHALL, an individual,

Defendants.

Case No.: 8:17-cv-438 AG (JCGx)

**FINAL JUDGMENT AND  
INJUNCTION ON CONSENT  
AND DISMISSAL**

AND RELATED COUNTERCLAIMS

1       The parties to the above action (the “Action”), having through mediation on  
2 January 17, 2018, reached an agreement resolving and settling all claims and  
3 counterclaims in the Action, such agreement including the parties’ stipulation to  
4 this Final Judgment and Injunction on Consent and Dismissal; the Court, being  
5 fully advised in the premises; and GOOD CAUSE appearing, it is hereby  
6 ORDERED, ADJUDGED AND DECREED that:

7       1.     This Court has jurisdiction over the parties and the subject matter of  
8 this Action.

9       2.     Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and  
10 1400(a).

11       3.     As to only the claims of Plaintiff Globefill Incorporated (“Globefill”)  
12 for federally registered trademark infringement, trade dress infringement,  
13 copyright infringement, and design patent infringement against only Defendant  
14 Coastal Cocktails, Inc. (“Coastal Cocktails”), the packaging depicted in Exhibit A  
15 hereto and the packaging depicted in Exhibit B hereto (such packaging collectively  
16 referred to herein as the “Accused Packaging”) infringes upon United States Patent  
17 and Trademark Office (“USPTO”) Trademark Registration No. 4043730; the  
18 alleged trade dress; United States Copyright Registration No. VA 1-766-939; and  
19 USPTO Design Patent No. D598,360.

20       4.     The Court has not adjudicated the validity or enforceability of the  
21 intellectual property identified in paragraph 3 above.

22       5.     All claims and counterclaims in this action are dismissed WITH  
23 PREJUDICE, except for Defendants’ counterclaims for declaratory judgment of  
24 trade dress and trademark invalidity and unenforceability, declaratory judgment of  
25 copyright invalidity and unenforceability, and declaratory judgment of patent  
26 invalidity and unenforceability, which are dismissed WITHOUT PREJUDICE.

27       6.     Defendant Coastal Cocktails, Inc., its agents, servants, employees, and  
28 all persons in active concert or participation with it who receive actual notice of

1 this injunction, are immediately and permanently enjoined and restrained from  
2 producing, inducing the production of, distributing, selling, and/or offering to sell  
3 any cocktail mix or hot sauce in the Accused Packaging in the United States.

4 7. Each party will bear its own expenses and attorneys' fees incurred in  
5 connection with this Action.

6 8. The Court retains jurisdiction to enforce the provisions of this  
7 Judgment and Dismissal.

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9 **IT IS SO ORDERED.**



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11 Dated: June 26, 2018

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13 U.S. DISTRICT JUDGE  
14 ANDREW J. GUILFORD  
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